



U.S. Immigration and Customs Enforcement

STATEMENT

OF

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**U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
DEPARTMENT OF HOMELAND SECURITY**

BEFORE THE

**HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON
ECONOMIC SECURITY, INFRASTRUCTURE PROTECTION, AND
CYBERSECURITY**

**“Solving the OTM Undocumented Alien Problem:
Expedited Removal for Apprehensions along the U.S. Border”**

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INTRODUCTION

Chairman Lungren, Ranking Member Sanchez, and distinguished Committee members, thank you for the opportunity to address the role of Immigration and Customs Enforcement (ICE) in implementing the Expedited Removal Program along the Southwest Border. I would like to begin my testimony by providing the Subcommittee with a brief overview of Detention and Removal Operations' (DRO) mission and achievements.

DRO's mission is the apprehension, detention, and removal of all illegal aliens through the fair enforcement of our nation's immigration laws. This critical mission also includes the management of non-detained individuals while their cases progress through immigration removal proceedings. In Fiscal Year (FY) 2004, DRO reached unprecedented levels of both removals and fugitive alien apprehensions. During that period, DRO officers removed 160,000 aliens, including over 85,000 individuals with criminal records. In FY 2005, as of July 31, DRO had removed approximately 109,100 aliens, of which 64,917 were criminals. Also in FY 2004, ICE's 17 Fugitive Operations Teams apprehended over 11,000 fugitive aliens with final orders of removal. This figure represents a 62 percent increase from FY 2003. In FY 2005, as of September 22, DRO had apprehended 14,508 absconders.

As part of our law enforcement mission, DRO is also responsible for managing the bed space resources for detained aliens. During FY 2004, ICE detained a daily average of more than 21,900 individuals. The year-to-date statistics for FY 2005, through August, include the detention of 218,608 aliens. Moreover, DRO has maintained 100 percent average daily detention capacity for the past two fiscal years.

As I mentioned before, the ultimate goal of immigration enforcement is the removal of illegal aliens from the United States. The timely issuance of travel documents by foreign governments is critical to the removal process, since DRO cannot remove aliens without proper travel documentation. Relying on the support from the U.S. Department of State, a key stakeholder in the arena of immigration enforcement, ICE continues to work with foreign government officials in order to expedite the issuance of travel documents. DRO is also improving the removal process through greater utilization of video teleconferencing (VTEL), which allows foreign government embassy officials to interview their nationals from detention centers around the country. VTEL has recently been installed at the Honduran Consulates in Houston and Los Angeles, and is expected to be installed at the Honduran Consulate in Phoenix within the next month.

The Department of Homeland Security (DHS) employs several tools in order to accomplish its mission; Expedited Removal (ER) is one of those tools. ER allows DRO to quickly remove certain aliens who are either seeking entry or who have recently entered the U.S. illegally. In September 2004, DHS began implementing Expedited

Removal on a limited basis between ports of entry. This expanded ER applies to aliens who have no valid entry documents or who have fraudulent travel documents, are apprehended within 100 miles of the border, and who cannot demonstrate that they have been present in the U.S. for over 14 days following their illegal entry. Expanded ER has primarily been directed towards third-country nationals (nationals of countries other than Mexico and Canada) and to certain Mexican and Canadian nationals with criminal backgrounds, involvement in alien smuggling, or a history of repeated immigration violations.

This expanded ER authority was initially implemented by the Customs and Border Protection (CBP) Office of the Border Patrol in the Tucson and Laredo Sectors. From June through August 2005, a focused enforcement operation was conducted in the Rio Grande Valley Border Patrol Sector. Most recently, on September 14, 2005, DHS expanded ER authority from three to nine Border Patrol Sectors, implementing the program across the entire Southwest border. As of September 5, 2005, 17,428 aliens have been placed in ER proceedings, with 14,679 being removed.

The ER process results in a final order of removal, which prohibits re-entry for a period of at least five years, absent special permission. This deters unlawful entry, and makes it possible to pursue future criminal prosecution against those aliens who continue to enter the United States in violation of the law. But the most important benefit of ER is that it streamlines the processing of inadmissible aliens, because individuals in ER proceedings are, generally, not entitled to a hearing before an Immigration Judge, or eligible for release on bond, unless they express a credible fear of return. In FY 2004, the average detention time for third-country nationals in removal proceedings before an Immigration Judge under Section 240 of the Immigration and Nationality Act was 71 days. However, the average length of detention for those third-country nationals in ER not claiming credible fear was only 25 days.

Expedited Removal is an excellent tool to deter illegal migration, but the ER program must be carefully managed with the appropriate human resources and transportation requirements. Moreover, mandatory detention ensures measurable progress toward a 100 percent removal rate. Deterring future entries and accelerating removal of aliens ordered removed will enhance DHS's ability to secure the border, and to focus its resources on threats to public safety and to national security.

Expedited removal between ports of entry has provided DHS with an effective means of enforcing our immigration laws. DRO fully supports the principle of Expedited Removal as it deters foreign nationals without protection claims from illegally entering our country, ensures expeditious removal of aliens illegally present in the United States, and reduces the growth of the absconder population.

CONCLUSION

In conclusion, the ability to detain aliens who attempt to enter our country illegally while admissibility and identity is determined, as well as to quickly remove foreign nationals without protection claims, is critical to national security and public safety. With the

implementation of Expedited Removal, DRO has partnered with the CBP Office of Border Patrol in a DHS initiative designed to utilize our combined resources in order to secure the Southwest border. By aggressively enforcing our immigration laws, we will continue to seek the strengthening of the legal immigration process for worthy applicants, and to deter criminal and terrorist organizations that threaten our way of life.

I thank you for the opportunity to testify today on behalf of the dedicated men and women of DRO, and look forward to working with this Subcommittee in our efforts to secure our national interests. I will be glad to answer any questions you may have at this time.